

**RESOLUTION NO. 2020-25**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING A VARIANCE TO CONSTRUCT A PORTE COCHERE WITH AN ENCROACHMENT OF 30'11" INTO A REQUIRED 50 FOOT FRONT SETBACK AT 100 HARBOR DRIVE; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS; PROVIDING FOR RECORDING; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Most Reverend Thomas G. Wenski, Archbishop of the Archdiocese of Miami ("Applicant") is the owner of 100 Harbor Drive, Key Biscayne, Florida as more fully described in the legal description attached hereto as Exhibit "A" ("Property"); and

**WHEREAS**, pursuant to Section 30-63 of the Village Code of Ordinances ("Village Code"), the Applicant has submitted a Planning and Zoning Application bearing Public Hearing #RV40, seeking to vary the front setback requirements of Section 30-104(b) of the Village Code ("Variance"); and

**WHEREAS**, after proper public notice, the Village Council conducted a public hearing and considered all testimony and other evidence presented and otherwise made part of the record concerning the Variance.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AS FOLLOWS:**

**Section 1.**     **Recitals.** Each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

**Section 2.**     **Findings.** The Village Council finds that the Applicant has met all of the requirements in Section 30-63 of the Village Code. Specifically, the Village Council finds that the Variance will: (a) result in conditions that maintain and are consistent in all material respects with the intent and purpose of the Village Code, and that the general welfare, stability and

appearance of the community will be protected and maintained; and (b) be compatible with the surrounding land uses, and otherwise consistent with the Village Code and the Comprehensive Plan, and will not be detrimental to the community.

**Section 3.**     **Approval of Variance.** The Village Council hereby approves the Applicant's request to vary the provisions of Section 30-104(b) of the Village Code, subject to the conditions set forth in Section 4 below, to permit a Porte Cochere with an encroachment of 30'11" feet into a required 50-foot front setback.

**Section 4.**     **Conditions.** The approval granted by this Resolution is subject to compliance with the following conditions:

- a. The Resolution for this variance must be recorded with the Miami-Dade County Clerk and submitted to the Village Clerk prior to approval of the Building Permit.

**Section 5.**     **Recording.** This Resolution shall be recorded, prior to the issuance of a building permit, by the Applicant at its expense in the public records of Miami-Dade County, Florida. A copy of the proof of recordation shall be submitted to the Village Clerk prior to the issuance of any building permits.

**Section 6.**     **Effective Date.** This Resolution shall be effective immediately upon adoption.

PASSED and ADOPTED this 28<sup>th</sup> day of April, 2020.



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MICHAEL W. DAVEY, MAYOR

ATTEST AND RENDERED THIS 20<sup>th</sup> DAY OF MAY 2020:

  
\_\_\_\_\_  
PETER J. KULPA,  
INTERIM VILLAGE CLERK



APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.  
VILLAGE ATTORNEY



# VILLAGE OF KEY BISCAYNE

Department of Building, Zoning, Planning and Public Works

88 West McIntyre Street, Suite 250

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Key Biscayne, FL 33149

Fax (305) 365-5556

www.keybiscayne.fl.gov

## PLANNING AND ZONING APPLICATION

(Application is nine pages. Please fill out completely.)

Date Filed: 2/21/20

File #: SP 22, KV40

(to be completed by Staff)

### 1. REQUEST FOR:

- ☐ SUPERVISORY VARIANCE  
☐ ADMINISTRATIVE VARIANCE  
☒ REGULATORY VARIANCE  
☐ APPEAL OF AN ADMINISTRATIVE DECISION  
☒ SITE PLAN APPROVAL  
☐ OTHER

- ☐ AMENDMENT TO ZONING ORDINANCE  
☐ CONDITIONAL USE  
☐ AMENDMENT TO THE MASTER PLAN  
☐ ZONING DISTRICT CHANGE

Explain your request:

See attached Letter of Intent

2. Street Address of Property: 100 Harbor Drive, Key Biscayne, FL 33149

Legal Description: Lot(s) Tract C

Block

Subdivision: Fourth Addition to Tropical Isle Homes Subdivision

3. Name of Applicant: The Most Reverend Thomas G. Wenski, Archbishop of the Archdiocese of

Miami his successors in office, a corporation sole.

Mailing Address of Applicant: 9401 Biscayne Blvd., Miami Shores, FL 33138

Business Telephone: 305-762-1033

Home:

Fax: 305-754-6792

Email:

4. Name of Property Owner if Different from Applicant: N/A

Address of Property Owner if Different from Applicant:

Business Telephone:

Home:

Fax:

Email:

Mission Statement: "TO PROVIDE A SAFE, QUALITY ENVIRONMENT FOR ALL ISLANDERS THROUGH RESPONSIBLE GOVERNMENT"

EXHIBIT "A"



- UKB
5. Contact Person: Name \_\_\_\_\_ Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_
6. Name/address of anyone else who should receive notice of the hearing?  
Suzanne A. Dockerty, Esq. and Maura F. Jennings, Esq. at J. Patrick Fitzgerald & Associates, P.A. 110 Merrick Way,  
3-B Coral Gables, FL 33134 and Jorge Hernandez, Arch. at J.H. 337 Palermo Ave., Coral Gables, FL 33134
7. If applicant is owner, indicate date purchased: 11/24/1953
8. If applicant is lessee, indicate date leased N/A Years \_\_\_\_\_
9. Is there an option to purchase the property? Yes ( ) No (X)
10. Is the request the result of a violation notice? No If yes, attach a copy of the violation.
11. Existing use of property Catholic Church and School If residential, how many apartments \_\_\_\_\_?  
 Hotel units \_\_\_\_\_? If commercial, how many sq. ft. in your space \_\_\_\_\_?  
 Single family home? Yes ( ) No (X)
12. If this application pertains to an Appeal of an Administrative Decision, indicate the basis of the appeal. (If necessary attach additional explanation.)  
No
13. If this is a request for a variance, the Code requires that you substantiate why this request should be granted. In order to do this properly, please indicate how your request complies with the following standards:
- a. Maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community.
- The Key Biscayne Zoning Code promotes planning principles that foster the making of verdant spaces with pedestrian connectivity and endorses the grouping of buildings to form spatial ensembles that face and address the right-of-way. The Code endorses that cars be screened from the right-of-way and therefore, not be the primary image visible from the street. The hallmark of our proposed plan adopts these planning principles enshrined in the Code.
- b. Is compatible with the surrounding land uses and would not be detrimental to the community.
- This request does not alter the existing land use. The St. Agnes parish has been part of Key Biscayne since 1953.
14. If this is a request for any other type of application, please see staff for a listing of the evaluation criteria.
15. All supporting data and exhibits submitted with this application become a permanent part of the public records.



UKB

### SUPERVISORY VARIANCES ONLY

00:01:00

The Supervisory procedure requires the nearest abutting property owner to approve your request and your certification that the work was not performed by you. Your signature on this application constitutes your certification that you did not perform the work. The next step is to request the nearest property owner to sign below or provide a letter approving your request. Their signature certifies that they have read this application and approves of the request.

#### ABUTTING PROPERTY OWNER AFFIDAVIT

I, the undersigned, have read or have had read to me the information applicable for a request for a Supervisory Variance from the Zoning Regulations. I fully understand that by subscribing my name to the below consent form that I am waiving any objection to the proposed construction as outlined above and as shown on the plans accompanying this application. I further certify that I have subscribed my name freely and without any duress or apparent misrepresentation on the part of the applicant.

Date	Name (Type or Print)	Address	Signature
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### ADMINISTRATIVE VARIANCES ONLY

The Administrative Variance procedures require all abutting property owners to approve your request. The attached map will assist you in identifying who must sign the below petition. It is suggested you meet with staff prior to circulating your petition.

#### ABUTTING PROPERTY OWNER AFFIDAVIT

I, the undersigned, have read or have had read to me the information applicable for a request for an Administrative Variance from the Zoning Regulations. I fully understand that by subscribing my name to the below consent form that I am waiving any objection to the proposed construction as outlined above and as shown on the plans accompanying this application. I further certify that I have subscribed my name freely and without any duress or apparent misrepresentation on the part of the applicant.

Date	Name (Type or Print)	Address	Signature
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Date	Name (Type or Print)	Address	Signature
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Date	Name (Type or Print)	Address	Signature
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EXHIBIT "A"





WKB

02-21-20

Date Name (Type or Print) Address

Signature

Date Name (Type or Print) Address

Signature

Date Name (Type or Print) Address

Signature

If you need additional signatures please use the above format.

### CERTIFICATION OF COMPLIANCE WITH APPLICABLE REGULATIONS

(I) (We) certify that (I) (we) understand and will comply with the provisions and regulations of the Zoning Regulations. (I) (We) further certify that the above statements and drawings made on any paper or plans submitted herewith are true to the best of (my) (our) knowledge. (I) (We) understand that the application and attachments become part of the official records of the Village and are not returnable.

Signature of Applicant: *[Signature]*

Date *1-27-20*

Signature of Owner: *[Signature]*

Date *1-27-20*

Application Received by: *[Signature]*

Date *2/21/20*

Approved by: *KK for WGF*

Date *3/25/20*

EXHIBIT "A"



## AFFIDAVITS

Complete one or more of the following that relates to your request.

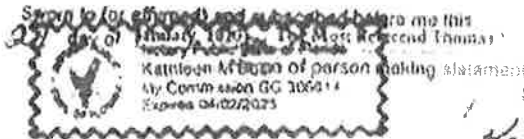
Tenant or Owner Affidavit (If tenant is applicant then owner must sign Owner/Power of Attorney Affidavit)

I, The Most Reverend Thomas, being first duly sworn, depose and say that I am the owner/tenant of the property described herein and which is the subject matter of the proposed hearing; that all the answers to the questions in this application and all supplemental data attached to and made a part of the application are honest and true to the best of my knowledge and belief.

I, The Most Reverend Thomas, hereby authorize the staff of the Village of Key Biscayne to enter my property for the purpose of inspecting the property and posting a NOTICE OF PUBLIC HEARING on my property and I take the responsibility of removing this notice after the date of hearing. I also authorize members of the Village Council to inspect my property. I understand these inspections are necessary to permit staff and members of the Village Council to perform their responsibilities as required by the Zoning Ordinance.

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

X Signature of Applicant



Kathleen M. Bost  
Signature of Notary Public - State of Florida

Kathleen M. Bost  
Print, Type, or Stamp Commissioned Name of Notary Public

OR Wenst, Archbishop of the Archdiocese of Miami, his successors in office, a corporation sole.

Personally Known X OR Produced Identification  
Type of Identification Produced

## Corporation Affidavit

I, being first duly sworn, depose and say that we are the President/Vice President, and Secretary/Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application and all supplemental data attached to and made a part of this application are honest and true to the best of our knowledge and belief; that said corporation is the owner/tenant of the property described herein and which is the subject matter of the proposed hearing.

I, hereby authorize the staff of the Village of Key Biscayne to enter my property for the purpose of inspecting the property and posting a NOTICE OF PUBLIC HEARING on my property and I take the responsibility of removing this notice after the date of hearing. I also authorize members of the Village Council to inspect my property. I understand these inspections are necessary to permit staff and members of the Village Council to perform their responsibilities as required by the Zoning Ordinance.

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

Signature of President (Corp. Seal)

Sworn to (or affirmed) and subscribed before me this  
day of by

Name of person making statement

Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification  
Type of Identification Produced



**Oath of Attorney Affidavit**  
I, The Most Reverend Thomas being duly sworn, depose and say that I am the owner of the described real property and that I am aware of the nature and effect of the request for

**Planning and Zoning Application**

relative to my property, which is hereby made by me. I am here by authorizing Suzanne A. Dockery, Esq. and by my legal representative before the Village Council Maura F. Jennings, Esq. Patrick Fitzgerald & Associates, P.A.

I, The Most Reverend Thomas hereby authorize the staff of the Village of Key Biscayne to enter my property for the purpose of inspecting the property and posting a NOTICE OF PUBLIC HEARING on my property and I take the responsibility of removing the notice after the date of hearing. I also authorize members of the Village Council to inspect my property. I understand these inspections are necessary to permit staff and members of the Village Council to perform their responsibilities as required by the Zoning Ordinance.

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

Sworn to (or affirmed) and subscribed before me this 27 day of January, 2020, by The Most Reverend Thomas

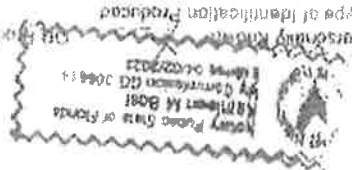
Name of person making statement

Signature of President (Corp. Seal)

Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Type of Identification Produced



(C) Wenzel, Archbishop of the Archdiocese of Miami, his successors in office, a corporation sole.

